

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 2288 of 2015 ()

CRIME NO. 248/2013 OF ADOOR EXCISE RANGE.

PETITIONER/4TH ACCUSED:

**JAYAKUMAR @ NELLIMUGAL JAYAN, AGED 41 YEARS,
S/O. PADMANABHAN, MUKALUVILAVADAKKETHIL VEEDU,
MUNDAPPALLY MURI, PERINGANADU VILLAGE,
ADOOR TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.K.T.THOMAS.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 018.**

BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

P. UBAID, J.

Bail Appl. No.2288 of 2015

Dated this the 8th day of May 2015

O R D E R

The petitioner herein is the 4th accused in Crime No.248 of 2013 of the Adoor Excise Range, registered under Section 55(a) of the Kerala Abkari Act. He seeks regular bail under Section 439 of the Code of Criminal Procedure. The application filed by him for regular bail was dismissed by the learned Judicial First Class Magistrate, Adoor on 19.03.2015. The petitioner has been in judicial custody since 05.03.2015.

2. The prosecution case is that accused nos.1 to 3 were found in possession of huge quantity of spirit (9768 litres). They were arrested on the spot, and the huge quantity was seized as per the mahazar. Much later, the petitioner herein was arraigned as the 4th accused on the ground of his unholy connection with accused nos.1 to 3. It is not known what exactly is the role alleged against the petitioner herein as a co-accused except that he had some unholy connections with the others. It is submitted that this Court has already granted bail to accused nos.1 to 3 long back in 2013 on appropriate conditions.

3. This application for regular bail is opposed by

the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused is now released, it will definitely obstruct the investigation.

4. On hearing both sides and on a perusal of the materials including the case diary, I find that investigation in this case is practically over, and that the petitioner can be now released on appropriate conditions. On a perusal of the case diary, I find that the investigating officer has already questioned the material witnesses and has recovered the material documents. However, the petitioner will have to be directed to report before the investigating officer till investigation is over, to ensure that the remaining part of investigation is not in any manner obstructed. I find that the police has already collected the necessary materials as part of investigation, and I do not find the necessity of continued detention of the petitioner in custody.

5. In the result, this application for bail is allowed. The petitioner will be released on bail on his executing bond with two solvent sureties for 25,000/- (Rupees twenty five thousand only) each to the satisfaction of the learned Judicial First Class Magistrate, Adoor.

Bail is granted on condition that ;

a) The petitioner shall report before the investigating officer between 10 am. and 11 am. on all Thursdays for a period of two months.

b) The petitioner shall not in any manner influence or intimidate the material witnesses, and he shall not have any contact with the material witnesses directly or over telephone or otherwise.

**P. UBAID
JUDGE**

/ True Copy /

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P.A.To Judge